

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Advocate <i>et al.</i>	Conf. No.:	5365
Serial No.:	10/690,759	Art Unit:	2625
Filing Date:	10/22/2003	Examiner:	Beckley, Jonathan R.
Title:	FACSIMILE SYSTEM, METHOD AND PROGRAM PRODUCT WITH JUNK FAX DISPOSAL	Docket No.:	FIS920030224US1 (IBMF-0024)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. 1.131

We, the Applicants in the above-identified patent application, declare as follows:

1. That we are the inventors of the subject matter described and claimed in the above-identified patent application.
2. That prior to August 8, 2003, we conceived of a method of handling a facsimile image received by a facsimile system, the method comprising the steps of:
 - comparing a junk fax image stored in a junk fax database to an incoming facsimile image;
 - disposing of the incoming facsimile image in the case that the junk fax image matches at least a portion of the incoming facsimile image;

wherein if a match does not exist, the method further comprises:

determining whether the incoming facsimile is of a junk fax; wherein the determining includes: displaying at least a portion of the incoming facsimile image before outputting the image, wherein the outputting includes printing the incoming facsimile image through the facsimile system; and

allowing a recipient to view the at least a portion of the displayed image to determine whether the incoming facsimile image is of a junk fax;

saving at least a portion of the incoming facsimile image as a junk fax image in the junk fax database in the case that the incoming facsimile image is of a junk fax; and

calculating a toner count of at least a portion of the incoming facsimile image; and processing the incoming facsimile image in the case that the toner count is below a threshold.

3. That prior to August 8, 2003, we conceived of a facsimile system comprising: a receiver configured to receive an incoming facsimile image; and

a junk fax analyzer comprising:

a comparator configured to compare a junk fax image to the incoming facsimile image;

a disposal configured to dispose of the incoming facsimile image in the case that the junk fax image matches at least a portion of the incoming facsimile image; and

a junk fax determinator configured to determine whether the incoming facsimile image is a junk fax, and save at least a portion of the incoming facsimile image as a junk fax image in a junk fax database in the case that the incoming facsimile image is a junk fax;

wherein the junk fax determinator includes:

a display configured to display at least a portion of the incoming facsimile image before the image is outputted; wherein the outputting includes printing the incoming facsimile image through the facsimile system;

an interface configured to allow a recipient to view the at least a portion of the displayed image to input whether the incoming facsimile image is a junk fax; and

a selector configured to allow the recipient to select at least a portion of the incoming facsimile image to be saved as the junk fax image.

4. That prior to August 8, 2003, we conceived of a computer program product comprising a computer useable medium having computer readable program code embodied therein for analyzing an image on a facsimile system, the program product comprising:

program code configured to compare a junk fax image stored in a junk fax database to an incoming facsimile image;

program code configured to dispose of the incoming facsimile image in the case that the junk fax image matches at least a portion of the incoming facsimile image; and

program code configured to determine whether the incoming facsimile image is of a junk fax in the case that a match does not exist, and save at least a portion of the incoming facsimile image as a junk fax image in a junk fax database in the case that the incoming facsimile image is of a junk fax;

wherein the determining program code includes:

program code configured to display at least a portion of the incoming facsimile image before the image is outputted; wherein the outputting includes printing the incoming facsimile image through the facsimile system; and

program code configured to allow a recipient to view the at least a portion of the displayed image to input whether the incoming facsimile image is a junk fax.

5. That the present invention is described in Disclosure of Invention ("Exhibit A") submitted to the IBM Corporation Patent Department prior to August 8, 2003, specifically in the "Main Idea" at page 2. On page 2, section 3, of Exhibit A, we disclosed how incoming fax images can be compared to a database of junk fax images to determine if the incoming fax image should be disposed of. Further in this of Exhibit A, we disclosed how, if a match did not exist, checking a toner count and allowing a user to look at the fix to decide if the fax is junk. Exhibit A is time-stamped (Submission Date) with a date prior to August 8, 2003.

6. That the time and date stamps appearing in Exhibits A were automatically generated by IBM Corporation's archival system, and have not been, and can not be, manually inputted, modified, edited, or changed in any way.

7. The dates of the time stamps have been redacted.

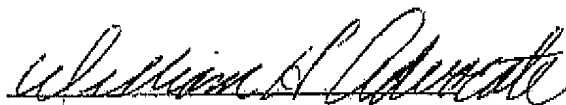
8. That, subsequent to the conception of the invention, and up until the patent application filing date of October 22, 2003, we diligently and actively assisted the IBM Corporation Patent

Department in the planning, preparation, review, and filing of the above-identified patent application.

Declarants further state that the above statements were made with the knowledge that willful false statements and the like are punishable by fine and/or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statement may jeopardize the validity of this application or any patent resulting therefrom.

Date:

08/12/2008



William H. Advocate

Date:

Donald J. Samuels

Department in the planning, preparation, review, and filing of the above-identified patent application.

Declarants further state that the above statements were made with the knowledge that willful false statements and the like are punishable by fine and/or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statement may jeopardize the validity of this application or any patent resulting therefrom.

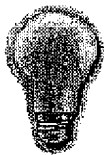
Date:

William H. Advocate

Date: *AUGUST 6, 2008*

Donald J. Samuels
Donald J. Samuels

Exhibit A



Disclosure FIS8-2002-0578

Prepared for and/or by an IBM Attorney - IBM Confidential

Created By Donald Samuels On [REDACTED] 11:59:28 AM EST

Last Modified By Donald Samuels On [REDACTED] 12:06:40 PM EST

Required fields are marked with the asterisk (*) and must be filled in to complete the form .

*Title of disclosure (in English)

Interception of Junk Faxes

Summary

Status	Under Evaluation
Final Deadline	
Final Deadline Reason	
*Processing Location	Fishkill
*Functional Area	select (DIT) DIT ... Farrell/DITORO/Kelly
Attorney/Patent Professional	Jay Anderson/Fishkill/IBM
IDT Team	[REDACTED]
Submitted Date	[REDACTED] 12:54:10 PM EST
*Owning Division	select MD
Incentive Program	
Lab	
*Technology Code	692
PVT Score	

Inventors with a Blue Pages entry

Inventors: Donald Samuels/Fishkill/IBM, William Advocate/Fishkill/IBM

Inventor Name	Inventor Serial	Div/Dept	Inventor Phone	Manager Name
> Samuels, Donald J. (Don)	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Advocate, William H.	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

> denotes primary contact

Inventors without a Blue Pages entry

IDT Selection

Attorney/Patent Professional Jay Anderson/Fishkill/IBM

IDT Team

Response Due to IP&L

***Main Idea**

1. Background: What is the problem solved by your invention? Describe known solutions to this problem (if any). What are the drawbacks of such known solutions, or why is an additional solution required? Cite any relevant technical documents or references.

Having a fax machine at home, I am frequently the recipient of "junk" faxes, the fax equivalent of a telemarketer voice call. These faxes consume valuable resources: 1) paper, 2) ink, 3) disk space 4) my time, 5) phone time

This invention proposes a combination hardware/software solution to help intercept these faxes and delete them, dealing with items 1 through 4 above (and possibly 5)

2. Summary of Invention: Briefly describe the core idea of your invention (saving the details for questions #3 below). Describe the advantage(s) of using your invention instead of the known solutions described above.

I have observed that junk faxes frequently use the same template over and over again, consequently, there is the potential to pattern match an incoming fax with a previously stored fax, and if the pattern match is above a user settable threshold, the fax is deleted.

3. Description: Describe how your invention works, and how it could be implemented, using text, diagrams and flow charts as appropriate.

The idea as briefly stated in section 2, is that when a junk fax comes in, the fax machine will attempt to



recognize it as legitimate or junk. For example, here is a junk fax that I continually receive: C041259E.jpg

While the text of this fax varies somewhat, certain areas are always the same, for example the boxes with the yes and no, as well as the 900 area code. So what I propose is that when a fax comes in, the following happens

1) check to see if there is a match from a previously set junk fax data base - if yes, then delete - if no:

2) fax is then received and stored in memory →

3) toner count is calculated per page, and if less than a threshold the fax is printed, if more, it remains in memory awaiting user action

4) user looks at the fax on a display (fax would obviously need display capability, either internal, or connected to a computer), and decides if the fax is legitimate or junk. If legit, then no further action other than a print, if junk:

5) user defines via interactive software, areas of the fax that he/she thinks will be used by the junk fax over and over again. This partial bitmap is stored on the machine (in memory or on disk) and each succeeding fax is compared against it.

6) Comparison can be done as fax is incoming, and if matched while fax is still inbound, fax machine can disconnect freeing up the fax phone line for next fax.

7) If your state (such as Colorado) has laws against these types of faxes, software/hardware can generate a report and submit to appropriate agencies

For pure computer receiving machines, this can all be done in software.

Current software, such as WINFAX does this screening by caller id, but phone caller id may be blocked, or phone number changed, so this is not a complete solution

*Patent Value Tool

* 1. Select the single most appropriate technology category for your invention from the following technologies list.

(692) PPM 600 Software/Services/ Applications/Solutions-692 Media and entertainment; communications

Comments

Are there any additional significant markets where the invention is likely to have impact?

☒ Yes ☐ No

Please identify them:

fax software and hardware

[REDACTED]

*3. Has the subject matter of the invention or a product incorporating the invention been offered for sale, or is it likely to be offered for sale, as part of an IBM product or service?

☒ No known product plans within 2 years

☐ Maybe; GA 1-2 years away

☐ Yes; GA within 3-12 months

☐ Yes; GA within 3 months

☐ Yes; product has been announced

*4. Has the invention been commercially used (internally or externally) by IBM or another entity (e.g., included in or used to make products, or prototypes provided to a customer)?

☐ Yes ☒ No

*5. In what type of product might a competitor include the invention?

fax machine, or pure software offering

What competitor(s) (indicate home country of such competitors if not United States)?
any maker of fax machines or software

*6. How easily can the use of the invention by a third party be detected?

☐ Undiscoverable; third party must admit use for IBM to know

☐ Difficult; e.g.; with reverse engineering or examination of available code

☐ With work; e.g.; using test cases; but not reverse engineering

☒ Easily; by running & viewing product operation

☐ Trivially; without purchase of product; e.g.; by reading product literature

[REDACTED]

*7. Is the invention applicable to a standard?

☐ Yes ☒ No

*8. Have you, or any of the other inventors, submitted this invention disclosure or a similar invention disclosure previously?

☐ Yes ☒ No

**9. Please list the invention disclosures (previously submitted or about to be submitted), products, patents, or publications that you and the other inventors feel are the most relevant to your invention (e.g., pertaining to the problem you are solving, including other solutions to the problem), be they from you or anyone else, or if not applicable, enter "None":

none

* 10. Was the invention made in the course of any activity that involved any other party, be it

- The government
- A customer (such as an RFQ)
- A development partner
- As part of a standards setting activity
- Other persons not employed by IBM

☐ Yes ☒ No

*11. Have you ever disclosed your invention to anyone outside IBM, or do you plan to do so in the future?

☐ Yes ☒ No

*12. If the invention relates to a product or service that is outside the scope of your business unit, please recommend IBM business unit(s), IBM location(s) or individual(s) within IBM that you think would provide a competent evaluation of your invention:

[REDACTED]

*PVT II

All of the questions below are required and must be answered in order to calculate a PVT Score

A.Threshold Questions

[REDACTED]

Reasons for above answer:

[REDACTED]

Reasons for above answer:

B.Valuation Questions

[REDACTED]

State reason for answer:

*2. Technical contribution of invention:

- ☐ None
- ☐ Minor addition to known technology
- ☐ Significant addition to known technology
- ☐ Major advance in technology

Reasons for above answer:

***3. Describe the problem solved/benefit provided and the implementation cost of the invention compared to existing or reasonably expected alternatives:**

- ☐ Minor problem/incremental benefit - significant implementation cost
- ☐ Significant problem; substantial benefit - significant implementation cost
- ☐ Minor problem/incremental benefit - minor implementation cost
- ☐ Significant problem/substantial benefit - minor implementation cost

***4. Are any alternatives to the invention available to those wishing to avoid its use?**

- ☐ Suitable alternatives available
- ☐ Alternatives have drawbacks
- ☐ No feasible alternatives

Reasons for above answer:

***5. Describe the likelihood of use of the invention (answer each):**

- IBM's customers? ☐ Unlikely ☐ Possible ☐ Probable ☐ Definite
- IBM's suppliers/vendors? ☐ Unlikely ☐ Possible ☐ Probable ☐ Definite
- IBM's competitors? ☐ Unlikely ☐ Possible ☐ Probable ☐ Definite
- IBM? ☐ Unlikely ☐ Possible ☐ Probable ☐ Definite

Reasons for above answer:

***6. What % of third party products in the technical field will likely contain the invention?**

- ☐ < 25%
- ☐ 25-50%
- ☐ 50-75%
- ☐ > 75%

Reasons for above answer:

***7. How long is the invention likely to be used in products by IBM or others?**

- ☐ < 5 years
- ☐ 5-10 years
- ☐ 10-15 years
- ☐ > 15 years

Reasons for above answer:

***8. How easily can use of the invention by a third party be detected?**

- ☐ Undiscoverable; third party must admit use for IBM to know
- ☐ Difficult; e.g.; with reverse engineering or examination of available code
- ☐ With work; e.g.; using test cases; but not reverse engineering
- ☐ Easily; by running & viewing product operation
- ☐ Trivially; without purchase of product; e.g.; by reading product literature

Reasons for the above answer, including description of how use could be detected:

Post Disclosure Text & Drawings

To add additional information related to this disclosure once it has been submitted, click the action button below and a new document will be opened for you to enter the new information. To view existing post disclosure information, double-click on the item in the list below (if there has been additional information entered), and the document will open for you to view.

Date entered Post disclosure information (comments and drawings)

Disclosure History

Entered on [REDACTED] by Judy Paolillo (Jay Anderson as Responsible Attorney)

Technology Code changed from 526 to 692
